

Commons Governance, Social Charters and The Power of Commoners
On the Commons
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The Need to Reclaim Our Rightful Role in Governance

Growing citizen disaffection for government is one of the most talked about realities of our political moment. In our current industrialized democracy, there is no direct connection or right relationship to governance or to the earth. We have relinquished our role as co-creators of our society and governing fabric. We have watched much that is life-giving be stripped away and depleted. We rely on others to make the right decisions for us, and we do not expect anything more than a town meeting where our input is garnered within very narrow constraints. We fight for crumbs, knowing that there is no way to participate in decision making that is authentically life affirming and that, at the base of it, our government is bought and paid for at a national level.

We need tangible avenues for citizen power. Voting and the occasional call to a policy maker are a very impoverished version of democracy. People cannot experience their agency if there is no consequential venue for their participation. We need real political spaces for people to engage in decision-making in substantive and meaningful ways.

As an approach to and practice for stewarding shared resources, the commons gives citizens a claim and much needed pathways to structural power in creating solutions that benefit all. The commons takes us beyond a transactional model where people are simply consumers of services and resources and instead, emphasizes forms of engagement that enable people's agency as protectors, stewards and decision makers, creating a locus of genuine power for 'commoners' and common interests.

A commons approach to governance fosters a political arena where people know they matter, where their ideas could actually come to life and where they can not only stop adverse community impacts but also actively co-create a positive future. As such, a focus on reclaiming the commons is a means to re-enliven authentic community, a sense of belonging and our rightful role in determining decisions that affect us.

A Framework for Commons Governance

The commons—as both an idea and practical arrangement—reminds us the vital difference between petitioning for access and benefit or having real standing in regard to the use and stewardship of commons resources. Here are some of the key concepts on which commons governance rests:

Value proposition: The commons offers a system of meaning and value that is not simply transactional or narrowly based on the market. Resources in a commons are part of the totality of a community—its economic survival, its history, its ecological health, its beauty, its identity, its resilience, the relationships among its people, its life blood. A commons names a set of relationships that extend in ways that the market suppresses—to include future generations, other living beings with whom we share the planet, and the very resources on which we depend.

Claim: The commons expresses an understanding that communities have a fundamental and equitable claim to our common inheritance of natural and created abundance. This claim is a collective one, and grows out of an understanding that a commons does not belong to any one in the usual private property sense but to all of us. This is the basis for both our right to equitable use and benefit and our responsibility to care for it.

Stewardship: The commons carries responsibility. The community entrusted with those resources must ensure their equitable and just use as well as their preservation for the future. Equity and stewardship are intertwined at the center of a commons with community members acting as the protectors and co-creators as well as users and beneficiaries. The responsibility includes passing on commons resources undiminished to future generations.

Subsidiarity: Commons governance draws its legitimacy from a direct and sovereign relationship of belonging between commoners and a commons resource. That relationship is expressed in a decision making structure based in subsidiarity that gives standing and power to communities most directly affected. The principle of subsidiarity states that matters ought to be handled by the smallest, lowest or least centralized competent unit of decision-making.

Commons governance can take a variety of forms and involve multiple tiers of governance that are “nested” in order to cope with different scales and to assign appropriate decision making to the right level. In this vein, the needs of ecosystems and communities that cut across political borders take precedence over and transcend those defined by the boundaries of statehood or nationhood.

Social Charter

An important and groundbreaking tool for advancing commons-based governance is a social charter. Throughout history, community rules for many kinds of commons were established to prevent resource overuse while ensuring fair access. For the most part, these rules were customary and gained acceptance through practice. At various times in history, commoners rose up to codify commons protections and defend usurpation of shared wealth. One example of such proactive resistance is the establishment of the Forest Charter in 1217, where peasants declared the riches of the forest belonged to all and re-established rights and protections for the ‘common’ people that had been eroded by the aristocracy.

A Social Charter articulates the core principles of commons governance, setting out the understandings, rights, rules and incentives of a community –at multiple jurisdictional levels– in the supervision and protection of a common resource. Because a Social Charter is given legitimacy by the people of a given commons, it is a tool for expressing the political will of a community and at the same time, redefining and reconstituting the practice of governance.

A Social Charter holds particular significance in a market economy defined by increasing

privatization and appropriation of our common wealth, as it “empowers a geographical group and a broader association to hold a commons in trust for its beneficiaries, thereby safeguarding these vulnerable resources from the growing pressure to exploit them.” (David Bollier/Burns Weston) This document can importantly “enable and protect those entrusted with the stewardship (of a commons) with the necessary legal and political standing.”

Components of a social charter, according to commons scholar James Quilligan, could include:

- A Vision and Mission statement
- Historical Claims
 - o A description of the existing users and boundaries of the commons
 - o A summary of long-held and emerging claims to legitimacy and responsibility for preserving the commons resource
 - o A notice of claims for reparations and re-territorialization of resource boundaries
- Rights to Fair Access and Use
 - o A declaration of the users’ rights to organize and participate in the development of new institutions and rules
 - o A statement of the rights and responsibilities of users as stewards and protectors of the commons
 - o A statement of equitably shared benefits, quality standards and safeguards
- Shared Stewardship
 - o A quantifiable set of non-monetized, non-commercial metrics for measuring decision-making
 - o A means of matching the rules governing water use to local conditions
 - o A framework for participatory and transparent decision-making
 - o A structure of accountability for conflict resolution and redress of grievances
 - o A process of monitoring and evaluation

A Social Charter is not just a document that articulates the above elements. It is a way to engage in rich exploration and innovative inquiry around how we, the common people, can together set new terms for governance. The process of developing a social charter, whether it is for a community garden or a bioregion such as the Great Lakes, calls on us to think and act outside the dominant paradigm and truly co-create both a living vision and on the ground practice for how governance decisions should be made, on what bases and by whom. As such, the social charter is pre-figurative course of action that can seed a life giving future that restores agency and consequential citizenship.